

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE  
COMPANY,

Plaintiff,

v.

CAROL THORN, JOLEEN LEEA COLON;  
DALE EUGENE KIRKINDOLL; ELIZABETH  
S. KIRKINDOLL; THOMAS HOLT  
KIRKINDOLL; JAMES W. GRIFFIN;  
SANDRA L. GRIFFIN; PATRICK A. BELT;  
CHRISTOPHER B. BELT; GENE  
STEGMAIER; ESTATE OF WILLIAM R  
KLAUSS, a deceased minor, LV STABLE  
MEMORIAL HOSPITAL; DRPT. LAKE  
REHABILITATION CENTER; BUTLER  
COUNTY EMERGENCY MEDICAL  
SERVICES.

Defendants.

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\* CIVIL ACTION NUMBER:  
\* 2:06CV717ID

**DEFENDANT'S DALE KIRKINDOLL, ELIZABETH KIRKINDOLL, HOLT  
KIRKINDOLL'S RENEWED MOTION FOR SUMMARY JUDGMENT**

**DEFENDANTS, DALE KIRKINDOLL, ELIZABETH KIRKINDOLL,  
AND THOMAS HOLT KIRKINDOLL'S MOTION FOR SUMMARY JUDGMENT**

COME NOW the above referenced Defendants and moves the Court for summary judgment on their behalf on the following grounds:

1. Each of the Defendants were injured in the automobile accident forming the basis of Plaintiff's Interpleader;
2. Plaintiff has tendered \$100,000.00 into Court to be paid to the covered persons;
3. No other Defendants named have appeared claiming the monies;

4. The above referenced Defendants are entitled to the full policy limits in the amount of \$50,000.00 per person/\$100,000.00 per accident;
5. As a matter of law Defendant Dale Kirkindoll is entitled to \$50,000.00;
6. As a matter of law Defendant Elizabeth Kirkindoll is entitled to \$20,000.00;
7. As a matter of law Defendant Holt Kirkindoll is entitled to \$30,000.00.
8. As further grounds for this motion the Kirkindoll defendants hereby incorporate their original Motion for Summary Judgment (document 27) and their reply to opposition of said motion (document 37). Plaintiff's incorporate said documents as fully set forth herein.

Based upon the foregoing, Defendants move this Court to enter Summary Judgment in their favor.

Respectfully submitted,

JACKSON, FOSTER & GRAHAM, LLC  
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BY: /s/ MATHEW B. RICHARDSON  
SIDNEY W. JACKSON, III(JAC024)  
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 3<sup>rd</sup> of April, 2007, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of

such filing to the following:

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